

GREGORY A. BROWER
United States Attorney

HOLLY A. VANCE
Assistant United States Attorney
100 West Liberty St., Suite 600
Reno, Nevada 89501
Telephone: (775) 784-5438
Facsimile: (775) 784-5181

IGNACIA S. MORENO
Assistant Attorney General

TY BAIR
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 663
Washington, DC 20044-0663
Telephone: (202) 307-3316
Facsimile: (202) 305-0274

ATTORNEYS FOR FEDERAL DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

SOUTH FORK BAND COUNCIL OF WESTERN
SHOSHONE OF NEVADA, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, *et al.*,

Defendants,

and

BARRICK CORTEZ INC.,

Defendant-Intervenor.

Case No.
3:08-CV-00616-LRH-RAM

**FEDERAL DEFENDANTS'
SECOND STATUS REPORT**

Judge: Larry R. Hicks

**Magistrate Judge: Robert A.
McQuaid Jr.**

Defendants, the United States Department of the Interior, *et al.*, respectfully submit this status report. Following the Ninth Circuit Court of Appeals' Order of December 3, 2009, BLM

elected to complete additional environmental analysis of the Cortez Hills Expansion Project, pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4231 *et seq.* Following the Ninth Circuit's remand requiring this Court to enter appropriate preliminary relief, Defendant-Intervenor Barrick Cortez Inc. filed a motion for entry of a tailored preliminary injunction. Dkt. No. 133. Plaintiffs South Fork Band Council of Western Shoshone of Nevada, *et al.*, also filed a motion for a preliminary injunction on February 5, 2010. Dkt. No. 135. On April 13, 2010, the Court granted Defendant-Intervenor Barrick Cortez Inc.'s motion, with modifications based on Federal Defendants' response to that motion. Dkt. No. 147. The Court's Order of April 13, 2010 includes interim deadlines for preparing a Supplemental Environmental Impact Statement (SEIS) on the mine expansion. *Id.* The first deadline is for completion of a draft SEIS. *Id.* at 7, 8.

On June 29, 2010, BLM reported that it estimated that it would complete a draft SEIS and submit for publication in the Federal Register a notice that the draft SEIS is available for public review and comment by August 6, 2010. Dkt. No. 153. On August 5, 2010, BLM filed a status report informing the Court that the agency would be delayed in submitting the notice of availability of the draft SEIS to the Federal Register because it did not yet have the five requisite printed copies. BLM reported that it would submit the notice of availability to the Federal Register no later than August 23, 2010.

On August 11, 2010, BLM delivered five printed copies of the draft SEIS to the Environmental Protection Agency (EPA). On August 16, 2010, BLM's notice of availability of the draft SEIS was sent to the Federal Register. On August 20, the Federal Register published BLM's and EPA's notices that the draft SEIS is available for public review and comment. BLM plans to hold public meetings on September 14 and 15, 2010. The public comment period on the

draft SEIS will close on October 4, 2010, after which BLM will review the comments and begin work on the final SEIS.

Dated and respectfully submitted: August 27, 2010

GREGORY A. BROWER
United States Attorney

HOLLY A. VANCE
Assistant United States Attorney
100 West Liberty St., Suite 600
Reno, Nevada 89501
Telephone: (775) 784-5438
Facsimile: (775) 784-5181

IGNACIA S. MORENO
Assistant Attorney General

/s/ Ty Bair
TY BAIR
Trial Attorney
United States Department of Justice
Environment and Natural Resources
Division
Natural Resources Section
P.O. Box 663
Washington, DC 20044-0663
Telephone: (202) 307-3316
Facsimile: (202) 305-0274

ATTORNEYS FOR FEDERAL
DEFENDANTS